

# DEPARTMENT OF THE ARMY U.S. ARMY ENGINEER DISTRICT, MOBILE DISTRICT P.O. BOX 2288 MOBILE, ALABAMA 36628-0001

July 29, 2011

Coastal Branch Regulatory Division

### JOINT PUBLIC NOTICE SAM-2006-00747-DJS: MODIFICATION #2 U.S. ARMY CORPS OF ENGINEERS

## MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF POLLUTION CONTROL (WQC2006057)

#### MISSISSIPPI DEPARTMENT OF MARINE RESOURCES (DMR-060764)

# CITY OF BILOXI COMMERICAL DOCKING FACILITY MODIFICATION #2 HARRISON COUNTY, MISSISSIPPI

#### TO WHOM IT MAY CONCERN:

This District has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 USC 1344) and Section10 of the River and Harbors Act of 1899. Please communicate this information to interested parties.

APPLICANT: City of Biloxi

**Public Works Department** 

Attention: Mr. Damon Torricelli, P.E.

Post Office Box 429

Biloxi, Mississippi 39533

LOCATION OF WORK: Mississippi Sound, Section 34, Township 7 South, Range 9 West, USGS 1:24 Quad Name: MS-BILOXI, UTM 3170009, Harrison County, Mississippi (Latitude 30.3915° North, Longitude 88.88624° West).

ORIGINALLY PERMITTED WORK: In October 2006, the City of Biloxi (The City) was authorized to excavate 6,000 cubic yards of silt/sand, by hydraulic means in order to maintenance dredge their existing public docking facility on the south side of Highway 90 (Beach Boulevard). The material to be removed had been deposited in the marina basin during Hurricane Katrina. The facility was to be returned to the navigable depth of -12 feet that existed prior to the Hurricane. In May 2011, The City requested and received a Time Extension to the existing permit (SAM-2006-00747-DJS; MOD #1). Under the permitted Time Extension the City would have until October 4, 2011, to complete the permitted activity.

#### REASON FOR MODIFICATION REQUEST:

When The City obtained their original permit it was their understanding that they would be dredging 6,000 cubic yards of material around the docks and piers and that the U.S. Army Corps of Engineers (COE) would be dredging an additional 10,000 cubic yards in Area "D" of the

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harbor. Since receipt of the permit The City has determined that the COE would not be dredging in the harbor. The City is now requesting to dredge the entire harbor which would consist of all areas of the harbor and would include the dredging of approximately 16,000 cubic yards of material.

WORK DESCRIPTION: The City proposes to dredge approximately 16,000 cubic yards of material from the Commercial Docking Facility. The facility would be returned to the pre-Katrina navigable depth of -12 feet.

EXISTING CONDITIONS: The subject property is currently a commercial docking facility. According to the applicant, dredging of the harbor facility is required for continued required use of the facility.

PROJECT PURPOSE AND NEED: The COE initially determined the basic project purpose is for the dredging of an existing commercial harbor and as a harbor, would be considered a water dependent activity.

ALTERNATIVES: The project site is currently an existing and operating harbor. The only applicable alternative to the existing harbor would be to not dredge the project site. Lack of dredging at the site would allow the existing sediment to remain in place as well as additional material to accumulate. The existing accumulated sediment in the harbor decreases the usability of the harbor by commercial boat traffic. Additional coordination regarding alternatives will be performed with cooperating Federal and State agencies.

MITIGATION: During the construction period, short-term impacts to the site, surface waters, transportation, air quality and noise are anticipated. Short-term impacts should be mitigated utilizing best management practices, such as silt fences, daily site inspections, proper signage and mandating no on-site maintenance of equipment. Additional coordination regarding mitigation will be performed with cooperating federal and state agencies.

Final compensatory mitigation will be evaluated by the COE and cooperating resource agencies throughout the review process for the proposed project.

The applicant has applied for certification from the State of Mississippi in accordance with Section 401(a) (1) of the Clean Water Act and upon completion of the required advertising; a determination relative to certification will be made.

The applicant has applied for coastal zone consistency from the State of Mississippi Department of Marine Resources in accordance with Section 57-15-6 of the Mississippi Code Annotated.

The applicant has requested to modify their existing permit. The project would involve dredging of approximately 16,000 cubic yards of material from the project site. Through obtaining a modification to the existing permit the project would be subject to Mississippi Code § 49-27-61 which designates that all dredged material over 2,500 cubic yards shall be utilized as Beneficial Use material as deemed appropriate by State of Mississippi Department of Marine Resources.

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This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the COE can be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources.

The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, protected species, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and in general, the needs and welfare of the people.

The COE is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the COE to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held for consideration of this application. Requests for public hearings shall state with particularity, the reasons for holding a public hearing.

In accordance with Section 106 of the National Historic Preservation Act, and Appendix C of 33 CFR 325, the undertaking defined in this notice has been considered for the potential to effect cultural and historic properties within the permit area. The project was reviewed by the State Historic Preservation Officer (SHPO) under the Mississippi Department of Archives and History's (MDAH) Project Log #09-050-07. SHPO determined that the proposed activity would have no adverse effect on any known cultural resources. In accordance with Appendix C of 33 CFR Part 325, the COE has determined that the permit area is the full area of development for the overall project footprint. The COE will consult with in-house expertise to make a final determination based upon these recommendations by the MDAH.

The project location is not within designated critical habitat for the Gulf Sturgeon. No fishing would be occurring from the marina piers; therefore, there is no potential for hooking or entanglement of the sturgeon or sea turtles. Additionally, although both species may be affected by interaction with construction equipment, this effect is discountable. These species are highly mobile and can easily avoid these interactions and the National Marine Fisheries Service's (NMFS) Sea Turtle and Small Tooth Sawfish Construction Conditions will be implemented. Additionally, both species will very likely avoid the project site during construction activities due to construction noise and the physical presence

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of machinery; thus, any potential effects to them from site avoidance will be insignificant. The COE has determined that the proposed action would not adversely impact Essential Fish Habitat (EFH) or associated fisheries managed by the Gulf of Mexico Fishery Management Council or the NMFS.

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2006-00747-DJS; MOD #2 and should be directed to the District Engineer, U.S. Army Engineer District, Mobile, Attention: Ms. Kaaren M. Neumann, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: Coastal Branch, with a copy to the Mississippi Department of Environmental Quality, Office of Pollution Control, Attention: Ms. Florance Watson, P.E., Post Office Box 2261, Jackson, Mississippi 39225 and the Mississippi Department of Marine Resources, Attention: Ms. Jennifer Wittmann, 1141 Bayview Avenue, Suite 501, Biloxi, Mississippi 39530.

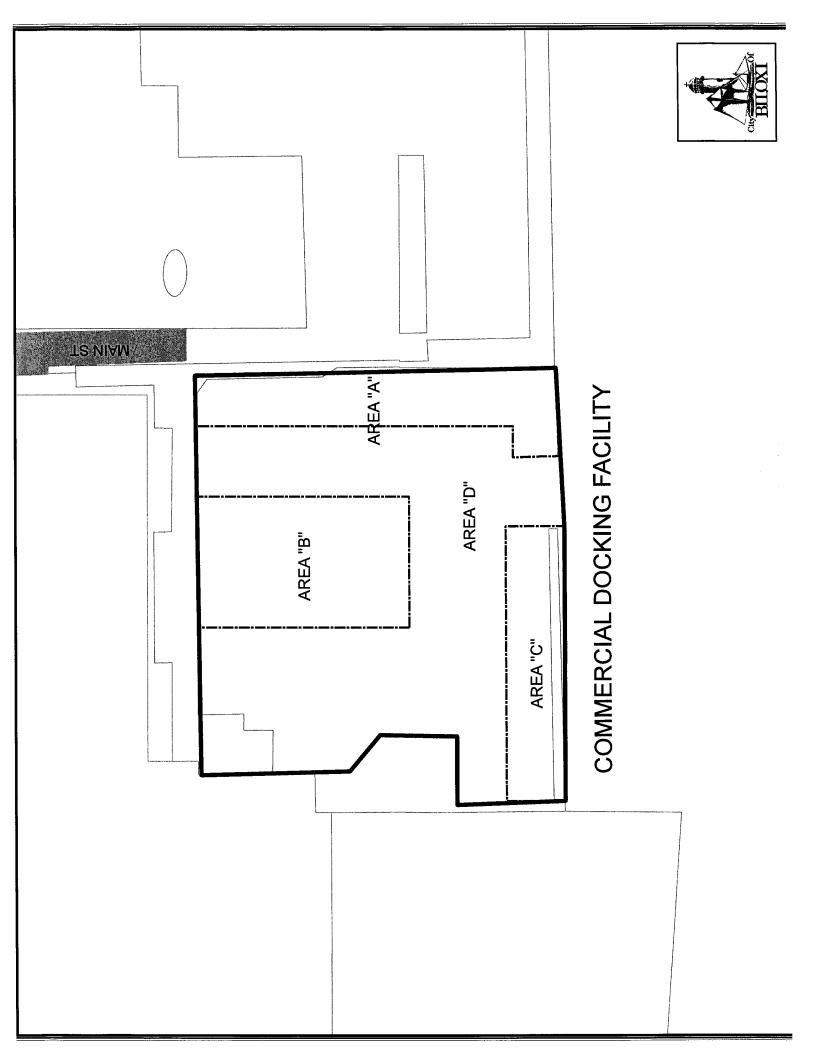
Comments should be received no later than 15 days of the date of this public notice.

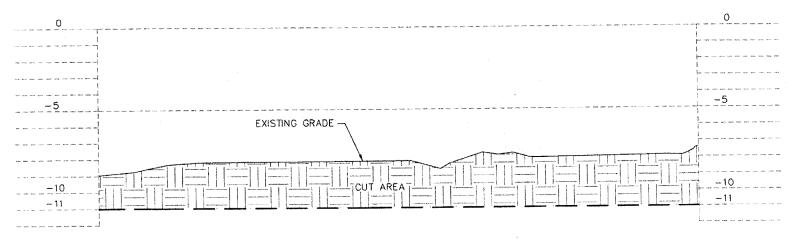
If you have any questions concerning this publication, you may contact the project manager for this application, Ms. Kaaren M. Neumann (kaaren.m.neumann@usace.army.mil), phone (228) 523-4024. Please refer to the above Public Notice number.

For additional information about our Regulatory Program, please visit our web site at: www.sam.usace.army.mil/rd/reg and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

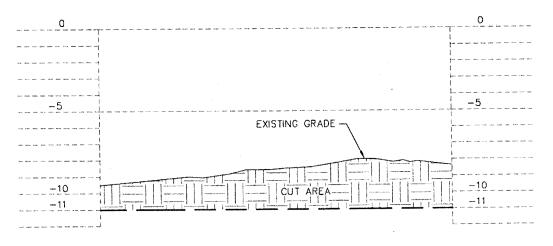
MOBILE DISTRICT U.S. Army Corps of Engineers

**Enclosures** 

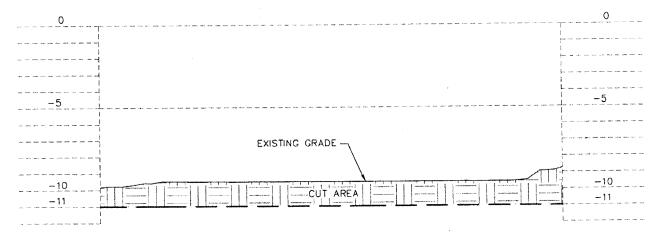




## SECTION "A-A"

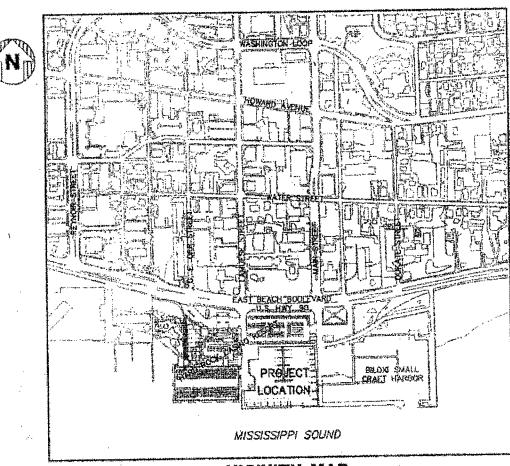


SECTION "B-B"



SECTION "C-C"

# COMMERCIAL DOCKING MARINA DREDGING PERMIT





SHEET INDEX 106078-SK-100 TITLE AND SHEET INDEX 106078-SK-101 SITE LOCATION MAP



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